



30 SEP 2004

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In re Application of	:	
Chang	:	
Application No. 10/500,796	:	DECISION ON
PCT No.: PCT/US02/10764	:	
Int. Filing Date: 04 April 2002	:	PETITION UNDER
Priority Date: 04 April 2001	:	
Atty. Docket No.: 6395-64909-02	:	37 CFR 1.137(b)
For: Nucleic Acid Vaccines For	:	
Prevention Of Flavivirus Infection	:	

This is in response to the petition under 37 CFR 1.137(b) filed on 06 July 2004.

### **BACKGROUND**

This international application was filed on 04 April 2002, claimed an earliest priority date of 04 April 2001, and designated the U.S. The 30 month time period for paying the basic national fee in the United States expired at midnight on 02 October 2003. This international application became abandoned with respect to the United States for failure to timely pay the requisite basic national fee.

### **DISCUSSION**

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed; (2) the petition fee as set forth in § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Regarding requirement (1), the required reply (in the form of the basic national fee) accompanied the petition.

Regarding requirement (2), the petition fee accompanied the petition.

Regarding requirement (3), the petition includes an appropriate statement.

Regarding requirement (4), no terminal disclaimer is required because the international filing date of this application is later than 8 June 1995.

**DECISION**

The petition under 37 CFR 1.137(b) is **GRANTED**.

Counsel's Deposit Account No. 02-4550 is being charged in the amount of \$130.00 for the surcharge under 37 CFR 1.492(e), as authorized by the Transmittal Letter.

This application is being forwarded to the National Stage Processing Branch for further processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **06 July 2004**.



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